

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: James Farrar
(aka Gerald Holst)

Docket Number: 2:01CR00334-01 GEB

Offender Address: Garland, Texas

Judicial Officer: Honorable Garland E. Burrell
United States District Judge
Sacramento, California

Original Sentence Date: March 22, 2002

Original Offense: 18 USC 1341, Mail Fraud (5 counts)
(CLASS D FELONIES)

Original Sentence: 30 months custody of the Bureau of Prisons; 36 months term of supervised release; \$500 special assessment; \$769,362 restitution.

Special Conditions: 1) Not dispose of assets; 2) Financial disclosure; 3) Financial restrictions; 4) Mental health treatment; 5) Co-payment plan for treatment; 6) Gambling prohibition.

Type of Supervision: Supervised release

Supervision Commenced: October 20, 2003

Assistant U.S. Attorney: Patrick K. Hanly **Telephone:** (916) 554-2700

Defense Attorney: Linda Harter **Telephone:** (916) 498-5700

Other Court Action:

10/15/2003: Probation Form 12B filed with the Court modifying conditions to include 120 days of community confinement for the purpose of providing a transitional residence following release from prison.

RE: Farrar, James
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06/13/2005: Probation Form 12B filed with the Court modifying conditions to include restitution payments to be made at the minimum monthly rate of \$400.

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. FAILURE TO COMPLETE RESTITUTION OBLIGATION

Details of alleged non-compliance: On March 22, 2002, the offender was ordered to pay \$769,362 in restitution to Beneficial Funding as a condition of Supervised Release. The probation file reflects the offender was placed on Supervised Release for a period of 36 months and he is scheduled to terminate supervision on October 19, 2006. According to a recent court financial statement, the offender owes a balance of \$763,512 in restitution, a violation of the condition of supervision requiring the offender to pay full restitution to Beneficial Funding in the amount of \$769,362.

United States Probation Officer Plan/Justification: The offender is currently under supervision with the Northern District of Texas, Dallas Division. According to the probation file, since the offender commenced supervision in October 20, 2003, he has paid \$5,850 toward his restitution obligation, leaving a balance of \$763,512. The offender is presently employed as a truck driver for GT Hargis Trucking Company in Fort Worth, Texas, and \$100 is automatically deducted weekly from his wages for restitution. With the exception of his restitution obligation, the offender has satisfied all other conditions of supervised release. Restitution in this case will be referred to the Financial Litigation Unit in Sacramento, California, for collection of said balance.

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This officer is recommending that no adverse action be taken, supervision be allowed to terminate as scheduled, and the offender continue making restitution payments to the Financial Litigation Unit.

Respectfully submitted,

/s/ Marlene K. DeOrian

Marlene K. DeOrian
United States Probation Officer
Telephone: 559-499-5729

DATED: September 5, 2006
Fresno, California
MKD

REVIEWED BY: /s/ Bruce A. Vasquez
Bruce A. Vasquez
_____**Supervising United States Probation Officer**

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THE COURT ORDERS:

- (X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- () Submit a Request for Modifying the Conditions or Term of Supervision.
- () Submit a Request for Warrant or Summons.
- () Other:

Dated: October 10, 2006

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge

cc: United States Probation
Assistant United States Attorney
Assistant Federal Defender

Attachment: Presentence Report (Sacramento only)